<p style="text-align:center">DRAFT MINUTES
BOARD OF ADJUSTMENTS AND APPEALS
Regular Session
TOWN OF CAMP VERDE
473 S. MAIN STREET, CAMP VERDE, AZ 86322
TUESDAY, SEPTEMBER 13, 2016
3:00 P.M.
COUNCIL CHAMBERS</p>

1.   Call to Order
Chairman Binick called the meeting to order at 3 p.m.

2.   Roll Call
Chairman Jim Binick, Board Members Greg Blue, Murray Lichty, Buck Buchanan, Ben Bassous, and Doug Stevens were present; Vice Chair B. J. Davis was absent.

Also Present: Community Development Director Michael Jenkins, Assistant Planner Kendall Welch, Recording Secretary Janet E. Turner

3.   Pledge of Allegiance
Chairman Binick led the pledge.

4.   Consent Agenda—All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of the Board so requests.

> **a. Approval of Minutes**
> May 10, 2016 – Regular Session
>
> **b. Set Next Meeting, Date and Time**
> As Needed

A motion to approve the consent agenda as presented was made by Board Member Blue. The motion was seconded by Board Member Lichty. All Board Members were in favor and the motion passed unanimously.

5.   Call to the Public for Items not on the Agenda
Residents are encouraged to comment about any matter not included on the agenda. State law prevents the Board from taking any action on items not on the agenda, except to set them for Consideration at a future date.

There were no comments from the public.

6.   Presentation and Discussion on Non-Conforming Uses. Staff Resource: Community Development Director, Michael Jenkins.

Community Development Director Michael Jenkins gave a presentation and provided a definition of what constitutes non-conforming uses. Jenkins noted that in September 1970, Yavapai County adopted their detailed zoning map. He also provided an example that if someone in Camp Verde had property or a structure in place prior to zoning ordinances they are still entitled to use it, but are not allowed to change or expand the non-conforming use in order to keep the grandfathering rights. Jenkins also added that in order to maintain the grandfathered rights the property or structure must be consistently used, and if the use is abandoned for a period of one year or more the grandfathering rights are lost and the property or structure must be brought into conformance.

Jenkins also gave a brief overview to the Board regarding verification of non-conforming use. Jenkins stated that it is the Community Development Director who examines evidence and makes

a determination as to whether or not a property or structure is non-conforming. Jenkins continued that there are three types of evidence allowed in determining land use or structures, such as a structure that does not meet current setback ordinances. Jenkins explained that two or more of the following types of evidence must be submitted in order to consider the verification of an existing non-conforming use. 1) Records of use of land that predates the zoning; 2) similar credible evidence from other companies such as utilities; and 3) affidavits by people testifying the use has been maintained for a purpose that predates the zoning in question.

Jenkins briefly outlined the process as follows: The individual applies for verification. Once the Community Development Department has received a complete submittal. The Community Development Director then sends a notice to all property owners within 300 feet of the property in question informing them that he is in the process of making the determination. He also must place the notice in the newspaper. If someone is not happy with the determination, they have 45 days from the date of the determination to file an appeal and bring it before the Board of Adjustments and Appeals.

A brief discussion followed regarding who can be aggrieved and the likelihood of appeals, the chronology of codes in force at the time, and so forth. Chairman Binick asked whether, as a Board, they could they ask for copies of previous ordinances. Jenkins replied that the Town Clerk has complete copies of old ordinance that could be provided upon request.

Jenkins also pointed out that building codes differ from zoning ordinances. For example, state statutes indicates that the subsequent owner of a home cannot be penalized for what a previous owner has done, meaning if the structure was not permitted or built to code at the time, the Town cannot force the new owner to permit it or bring it up to code as long as the use is continued.

7. **Current Events:** (Individual members of the Board may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the public of such events and activities. The Board will have no discussion, consideration, or take any action of any item, except that an individual Board member may request an item be placed on a future agenda.

Board Member Buchanan mentioned that Verde Front would be holding a community meeting tonight, Tuesday, September 13, from 5:30 to 8:30 p.m. in the Camp Verde Schools Cafeteria. High profile local people will be sharing information and holding a discussion for anyone with an interest in outdoor recreation and future development from Beasley Flats to here.

8. **Adjournment.**

A motion to adjourn the meeting was made by Board Member Blue. The motion was seconded by Board Member Buchanan. All Board Members were in favor and the motion passed unanimously. Chairman Binick adjourned the meeting at 3:19 p.m.

_____
Jim Binick, Chairman, Board of Adjustment and Appeals   Date

_____
Michael Jenkins, Community Development Director   Date

CERTIFICATION: I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Board of Adjustments and Appeals of the Town of Camp Verde during the Regular Session of the Board of Adjustments and Appeals of the Town of Camp Verde, Arizona, held on the 13th day of September, 2016. I further certify that the meeting was duly called and that a quorum was present.

Dated this _____ day of _____, 2016.

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Janet E. Turner, Recording Secretary